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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,175	09/17/2003	Srinivas Balijepalli	99-40028-01	3954
7590 Daniel H. Golub 1701 Market Street Philadelphia, PA 19103		10/01/2007	EXAMINER ALAM, SHAHID AL	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 10/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,175

Applicant(s)

BALIJEPAI ET AL.

Examiner

Shahid Al Alam

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 23 are pending in this Office action.
2. This action is in response to the Restriction/Election July 18, 2007 and argument/remarks filed on March 26, 2007.

Response to Amendment

3. Applicant's amendment with respect to specification and claims have been fully considered and are persuasive. The objection and rejection under 35 U.S.C. 112 of last Office action has been withdrawn.

Response to Arguments

4. Applicant's arguments filed July 18, 2007 have been fully considered but they are not persuasive.

Applicant argues that a prima facie case of obviousness has not met; Brichta and Christianson fail to show, either alone or in combination, formatting said information into a common format using the central server; ascertaining whether said information is current by comparing said information in the common format to information stored in a storage database in the common format, wherein the information stored in the database corresponds to results of previous searches using the query; and electronically delivering, using said central server, only said information ascertained to be current to the remote user; formatting information obtained from a search of information source on the web is not the same as formatting unsearched source information stored in a database; the cited section of Brichta is not the same as comparing formatted information obtained from a current search to results of previous searches using the

Art Unit: 2162

query; Brichta does not provide for electronic delivery of current search results to a user; and Christianson fails to disclose any of the limitations that are not disclosed in Brichta.

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541,550-51 (CCPA 1969).

In response to applicant's argument on page 12, a prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. *In re Fielder*, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

Both Brichta and Christianson are analogous art and both teaches database system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Christianson with the teachings of Brichta to provide a system that allows the engine execute faster.

Art Unit: 2162

In response to applicant's argument to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument, Brichta teaches the transformation engine which transform the extracted data into a common format and file structure. The transformation engine translates the data. The transformation engine augments translation with supplemental processing to modify disparate file structures of the source databases into structures that can be combined. Accordingly, data extracted from each source database is transformed into the common format and file structure. The common format and file structure allows data from disparate source databases to be loaded into the common server (see column 3, lines 12 – 21). Further to Brichta, Christianson discloses accessing information sources in a database, retrieving a description of each information source, formatting the query according to this description in a manner suitable for each information source and transmitting the formatted query to the source (see column 3, lines 11 – 16).

With respect to electronic delivery, i.e. e-mail, examiner uses Rupert reference to combine with Brichta and Christianson so as to overcome the deficiency of Brichta and Christianson.

Art Unit: 2162

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 – 6, 8 – 17 and 19 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,884,310 issued to Harriet Brichta et al. (hereinafter "Brichta") and in view of U.S. Patent Number 6,102,969 issued to David Christianson et al. (hereinafter "Christianson").

With respect to claims 1 and 23, Brichta discloses processing of a search list provided by a remote user, and retrieving and delivering information corresponding to at least one item contained in said search list, comprising the steps of:

(A) receiving, onto a central server that services a plurality of remote users, a search list provided by the user, said search list comprising at least one item (column 5, lines 5 – 15);

(B) forming a query at the central server based on the search list (column 5, lines 10 – 13);

(C) periodically performing the following steps (column 5, lines 49 – 53):

(ii) retrieving, with the central server, said information (column 3, lines 45 – 50);
(iii) formatting said information into a common format using the central server (column 3, lines 15 – 20);

(iv) ascertaining whether said information is current by comparing said information in the common format to information stored in a storage database in the common format, wherein the information stored in the database corresponds to results of previous searches using the query (column 7, lines 25 – 50); and

(v) after step (iv), electronically delivering, using said central server, only said information ascertained to be current to the remote user (column 7, lines 30 – 43).

Brichta does not explicitly disclose initiating, from the central server, a search using the query on two or more information sources on the World Wide Web in order to locate information corresponding to each of said at least one item as claimed.

Christianson discloses claimed initiating a search using the query on two or more information sources on the World Wide Web in order to locate information corresponding to each of said at least one item (column 2, lines 60 – 65).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Christianson with the teachings of Brichta to provide a system that allows the engine execute faster. Christianson discloses a NetBot with searches multiple information sources in parallel in response to a user request. Christianson's netbot system automatically searches the relevant primary sources in parallel and presents information quickly and faster.

With respect to claim 12, Brichta discloses a system for automated processing of a search list provided by a remote user, and retrieving and delivering information corresponding to at least one item contained in said search list, comprising:

- a storage database that stores information in a common format (column 5, lines 5 – 15), wherein information stored in the database corresponds to results of previous searches using a query (column 5, lines 10 – 14); and

- a central server that receives a search list provided by the user and comprising at least one item, services a plurality of remote users, forms the query based on the search list (column 3, lines 45 – 50 and column 7, lines 30 – 35), and

- periodically initiates a search (column 5, lines 45 – 55) ascertains whether said information is current by comparing said information in the common format to said information stored in said database in the common format, and electronically delivers

Art Unit: 2162

only said information ascertained to be current to the remote user (column 7, lines 25 – 50).

Brichta does not explicitly teach “using the query on two or more information sources on the World Wide Web in order to locate information corresponding to each of said at least one item, retrieves said information, formats said information into a common format” as claimed.

Christianson teaches claimed using the query on two or more information sources on the World Wide Web in order to locate information corresponding to each of said at least one item, retrieves said information, formats said information into a common format. Christianson discloses a netbot with searches multiple information sources in parallel and formats the response into a common format upon user request (column 2, lines 50 – 55, 60 – 65 and column 6, lines 4 – 14).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Christianson with the teachings of Brichta to provide a system that allows the engine execute faster. Christianson discloses a NetBot with searches multiple information sources in parallel in response to a user request. Christianson's netbot system automatically searches the relevant primary sources in parallel and presents information quickly and faster.

As to claims 2 and 13, said step of initiating is performed automatically (Christianson: column 2, lines 45 – 53 and 60 – 65).

As to claims 3 and 14, said search list may be selectively edited by said user at any time (Christianson: column 7, lines 1 – 5; Figure 2B).

As to claims 4 and 15, the selection of said two or more information sources to be searched are determined by said user and may be selectively edited by said user at any time (Christianson: column 5, lines 20 – 25).

As to claims 5 and 16, each of said two or more information sources to be searched are determined independently by said user for each of said at least one item (Christianson: column 3, lines 10 – 15).

As to claims 6 and 17, said step of initiating is performed at predetermined time intervals determined by said user, said predetermined time intervals capable of being selectively edited by said user at any time (Brichta: column 5, lines 49 – 53).

As to claims 8 and 19, each of said at least one item corresponds to a distinct company (Brichta: column 2, lines 59 – 64).

As to claims 9 and 20, each of said at least one item corresponds to a distinct industry (Brichta: column 2, lines 59 – 64).

As to claims 10 and 21, each of said at least one item corresponds to a distinct job format (Brichta: column 2, lines 59 – 64):

As to claims 11 and 22, said two or more information sources are public search engines (Christianson: column 6, lines 55 – 60).

Art Unit: 2162

6. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brichta and Christianson as applied to claims 1 and 12, above, and further in view of Amy Rubert et al. ("Rubert").

With respect to claims 7 and 18, Brichta and Christianson disclose the limitations as discussed in claims 1 and 12 above, respectively. However, Brichta and Christianson do not explicitly disclose "said step of electronically delivering is automatically performed via electronic mail" as claimed.

Rubert discloses sending the results of the search to the user via email (column 3, lines 15 – 18 and column 5, lines 20 – 23).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Brichta and Christianson with the teachings of Rubert to ensure efficient access to multiple databases by presenting all authorized queries to the user by presenting the user with previously used report form parameters and inquiries, by automatically performing the query execution, and by notifying users of the query results (Rubert: column 3, lines 28 – 33). It would have been obvious to allow the system to notify users when results of incomplete searches become available (Rubert: column 5, lines 1 – 20).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2162

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Shahid Al Alam
Primary Examiner
Art Unit 2162

27 September 2007